

# PROCESS SERVER REVIEW BOARD

APPOINTED BY

## SUPREME COURT OF TEXAS

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CHAIR

CARL M. WEEKS, AUSTIN

DATE: June 27, 2012

TO: Certified Process Servers; Court Clerks, All Trial Courts

MEMO: RULES 107 and 536a

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This memorandum relates to Rules 107 and 536(a) (Justice Courts), Texas Rules of Civil Procedure, amended effective January 1, 2012. It is intended to aid process servers and court clerks in implementing the rule changes.

### I. Rule 107(e) states (Rule 536a(f), Justice Courts):

The officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return must either be verified or signed under penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

“My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_,  
(First) (Middle) (Last)  
and my address is \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and  
(Street) (City) (State) (Zip Code)  
\_\_\_\_\_. I declare under penalty of perjury that the foregoing is  
(Country)  
true and correct.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of  
\_\_\_\_\_, \_\_\_\_\_.  
(Month) (Year)

\_\_\_\_\_  
Declarant”

### Comment, Rule 107(e) and 107(b)(10) (Rule 536a(f) and 536a(c)(10), Justice Courts):

This rule relates to the signing of returns by a person other than a sheriff, constable, or clerk of the court. Returns should either be verified before a notary, as previously required, or signed under penalty of perjury. Either is acceptable.

A private process server certified under order of the Supreme Court must note the server's identification number and certification expiration date on the return. This is required, whether the return is verified, or signed under penalty of perjury. Rule 107(b)(10); (Rule 536a(c)(10), Justice Courts). The full address, including street and apartment or suite number should be stated in the "Street" portion of the address at line 2 of the form stated above, Rule 107(e)/536a(f).

### II. Rule 107(g) states (Rule 536a(h), Justice Courts):

The return and any document to which it is attached must be filed with the court and may be filed electronically or by facsimile, if those methods of filing are available.

### Comment, Rule 107(g) (Rule 536a(h)):

The return may be filed electronically or by facsimile. The clerk should keep a copy of the return in the court's file. Otherwise, the paper return and any document to which it is attached must be filed with the court.